

REMARKS

Claims 25-58 are pending in the application. Claims 29-32 and 36-58 were previously withdrawn. Claim 25 has been amended to clarify the subject matter of the invention. No new matter is believed to have been added.

REJECTIONS UNDER 35 U.S.C. § 112

The Office Action has rejected claims 25-28 and 33-35 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action states that claim 25 contains subject matter not described in the specification. Additionally, the Office Action has rejected these claims under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees for the following reasons.

Claim 25 has been amended to clarify the subject matter of the invention. Specifically, amended claim 25 now recites a solidified foamed material obtained by the transforming pools from the first fluid, second fluid and amphiphilic material to form bubbles, and the solidification to form a solidified foamed material as defined in accordance with paragraph [0016] of U.S. Patent Publication No. 2006/0127663 A1.

The Office Action stated that it was inconceivable how a solidified foamed material has components still in the fluid or liquid state. While not conceding that the subject matter of previous claim 25 was inconceivable, amended claim 25 clarifies the subject matter of the invention and removes any impossibility that may have been recited. One of skill in the art, when reading the application as a whole, would understand that the preparation of the inventive solidified foam is achieved by bringing the expanded material below the glass transition temperature of the initially formed foam, notably by expansion of the hypercritical mixture itself and/or by cooling (in case the expansion is performed at elevated temperatures), such that it is solidified.

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In view of the amendment and remarks made herein, Applicant maintains that claim 25 and the claims dependent therefrom (i.e., claims 25-28 and 33-35) satisfy the requirements of both the first and second paragraphs of 35 U.S.C. § 112. Accordingly, these rejections should be withdrawn.

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CONCLUSION

Applicant requests entry of the amendment and consideration of the remarks enclosed herein. Enclosed herewith is a Request for Five-Month Extension of Time, which extends the due date to July 14, 2010. Therefore, this paper is timely.

A credit card payment via EFS-web in the amount of \$ 1,580.00, representing the fees for a Five-Month Extension of Time and Request for Continued Examination (small entity), is enclosed herewith. No further fee is believed due; however, the Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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